



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	20	Application Number	09/805,590
		Filing Date	March 13, 2001
		First Named Inventor	Kevin J. Dowling et al.
		Art Unit	2821
		Examiner Name	A, Minh D.
		Attorney Docket Number	CKB-016.01 (f/k/a C01104-70016)

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement and PTO FORM 1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Foreign/Other References (20 Citations) Change of Docket Number Return Receipt Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	Foley Hoag LLP		
Signature			
Printed Name	Joseph Teja, Jr.		
Date	June 9, 2005	Reg. No.	45,157

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature		Date	June 9, 2005
Typed or printed name	Shirine Darvish	Date	June 9, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS  
Application Serial No. 09/805,590  
Attorney Docket No. CKB-016.01  
(Formerly Attorney Docket No. C1104-70016)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Kevin J. Dowling

Application No: 09/805,590

Filed: March 13, 2001

For: LIGHT-EMITTING DIODE  
BASED PRODUCTS

Art Unit: 2821

Confirmation No.: 1160

Examiner: A, MINH D

**CERTIFICATE OF MAILING**

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 9, 2005.

Shirine Darvish

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION-DISCLOSURE STATEMENT**

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a Request for Continued Examination Under 37 C.F.R. §1.114.

No fee is required.

**PART II: Information Cited**

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents relating to the present application have been involved in litigation. These patents include U.S. Patent No. 6,016,038 and U.S. Patent No. 6,150,774, assigned to Color Kinetics, Inc. The present application is entitled to the benefit of at least one of these two patents, under 35 U.S.C. §120.

The aforementioned patents both are involved in the litigation Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

To this end, Applicants wish to make of record in the present application the following documents from the litigations, together with all exhibits filed therewith:

- Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Steve Faber," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Russell Martin," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

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- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Peter Micha,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part I,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part II,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part III,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part IV,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part V,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part VII,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part VIII,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part IX,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

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- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part XI,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Applicants make no representation that the above-identified document(s) provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner’s understanding of the nature of the litigation. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

**PART III: Additional Remarks**

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

PATENTS  
Application Serial No. 09/805,590  
Attorney Docket No. CKB-016.01  
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By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

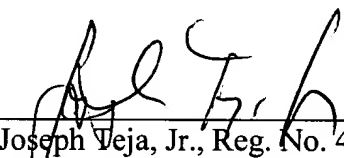
Notwithstanding any statements by the Applicants, again the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 06-1448, Reference CKB-016.01.

Respectfully submitted,

Date: June 9, 2005  
**Customer No: 25181**  
Patent Group  
Foley Hoag, LLP  
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Fax. No. (617) 832-7000

Form PTO-1449

**INFORMATION DISCLOSURE CITATION****IN AN APPLICATION**

(Use separate sheets if necessary)

Docket Number (Optional)

CKB-016.01

Application Number

09/805,590

Applicant  
Kevin J. DowlingFiling Date  
March 13, 2001Group Art Unit  
2821**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,418,697	05/23/1995	Chiou			
	5,521,708	05/28/1996	Beretta			
	5,532,848	07/02/1996	Beretta			
	5,607,227	03/04/1997	Yasumoto et al.			
	5,653,529	08/05/1997	Spocharski			
	5,831,686	11/03/1998	Beretta			
	5,949,581	09/07/1999	Kurtenbach et al.			
	6,056,420	05/02/2000	Wilson et al.			
	6,335,548	01/01/2002	Roberts			
	6,357,893	03/19/2002	Belliveau			
	6,441,943	08/27/2002	Roberts			
	6,676,284	01/13/2004	Wynne Willson			
	6,744,223	06/01/2004	LaFlamme			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	04-015685 (Abstract Only)	21.01.1992	JP				
	2001-153690	08.06.2001	JP			Yes	

**OTHER DOCUMENTS**

(Including Author, Title, Date, Pertinent Pages Etc.)

	PROCTOR, P., "Bright Lights, Big Reliability," <i>Aviation Week and Space Technology</i> , September 5, 1994, vol. 141, no. 10. pg. 29, Abstract Only.
	POLLACK, A., "The Little Light Light That Could," <i>The New York Times</i> , April 29, 1996, Business/Financial Desk, Section D, page 1, col. 2, Abstract Only.
	CHINNOCK, C., "Blue Laser, Bright Future," <i>Byte</i> , August 1995, vol. 20, Abstract Only.
	<i>Electronics</i> , vol. 67, no. 20, pg. A4, Abstract Only.
	Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc's Notice of Filing Declaration of Steve Faber," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Form PTO-1449

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IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)  
CKB-016.01Application Number  
09/805,590Applicant  
Kevin J. DowlingFiling Date  
March 13, 2001Group Art Unit  
2821

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Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part XI," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.